

Amendments to the Claims:

The following claims will replace all prior versions of the claims in this application (in the unlikely event that no claims follow herein, the previously pending claims will remain):

1. (Currently Amended) An apparatus for the separation of waste constituents from matrices, comprising:

(i) a vessel having an interior for receiving matrices, said vessel comprising one or more removable trays, said one or more removable trays comprising a bottom part and peripheral sidewalls extending therefrom, said bottom part being capable of supporting said matrices and being structured so as to define orifices in said bottom;

(ii) a manifold for removal of gases emerging from said matrices, said manifold being positioned on top of said vessel; and

(iii) a means for heating said interior, said means for heating being positioned in a manner to allow heat to enter said vessel at a position below said one or more removable trays;

~~wherein said vessel comprises one or more removable trays, said one or more removable trays comprising a bottom part and peripheral sidewalls extending therefrom, said bottom part being capable of supporting said matrices and being structured so as to define orifices in said bottom part, and said bottom part being capable of supporting said matrices.~~

2. (Previously presented) The apparatus of claim 1, further comprising a means for generating a vacuum for withdrawing said gases through said manifold, said means for generating a vacuum being connected to said manifold.

3. (Canceled)

4. (Canceled)

5. (Previously presented) The apparatus of claim 1, wherein said vessel has a bottom part and peripheral sidewalls extending therefrom, each of said peripheral sidewalls of said vessel being at least partly defined by said one or more removable trays.

6. (Canceled)

7. (Previously presented) The apparatus of claim 1, wherein said bottom part is a screen.

8. (Previously presented) The apparatus of claim 1, wherein said bottom part is slotted.

9. (Canceled)

10. (Previously presented) The apparatus of claim 1, wherein said trays have a loading capacity of at least about 2.5 cubic yards.

11. (Previously presented) The apparatus of claim 1, wherein said one or more removable trays have fork lift pockets.

12. (Previously presented) The apparatus of claim 1, further comprising a means for mechanically agitating matrices, said means for mechanically agitating being positioned in said interior and connected to said vessel.

12. (Canceled)

14. (Previously presented) The apparatus of claim 1, wherein said manifold comprises a heat resistant gasket touching said vessel.

15. (Previously presented) The apparatus of claim 1, wherein said manifold contains a 1 to 100 micron dry filter.

16. (Canceled)

17. (Previously presented) The apparatus of claim 1, comprising between 1 and 4 of said removable trays.

18. (Previously presented) The apparatus of claim 1, wherein said apparatus is permanently mounted.

19. (Previously presented) The apparatus of claim 1 wherein said manifold is not attached to said vessel.

20-35. (Canceled)

36. (Previously presented) The apparatus of claim 1, wherein said apparatus is mobile.

37. (Canceled)

38. (Previously presented) The apparatus of claim 1, wherein said apparatus comprises a hydraulic cylinder, said hydraulic cylinder being positioned under said manifold and being capable of lifting said manifold from said vessel.

39. (Previously presented) The apparatus of claim 10, wherein said one or more removable trays have fork lift pockets.

REMARKS

Upon entry of this Amendment, claims 1-2, 5, 7-8, 10-12, 14-15, 17-19, 36, and 38-39 will be pending, of which claim 1 is independent. Claim 37 has been incorporated into claim 1 and, consequently, claim 37 has been cancelled. In addition, some editorial revisions were made to claim 1 in view of the incorporation of claim 37. No additional claims have been added, no new issues have been raised, and no new matter has been introduced. Accordingly, entry of this Amendment is respectfully requested as it is believed to place the application in condition for Allowance and/or better condition for Appeal.

Preliminarily, Applicant notes that claim 1 has been revised bearing in mind the Examiner's objection set forth in paragraph 4 of the outstanding Office Action. Withdrawal of the objection is respectfully requested.

As noted, claim 37 has been incorporated into claim 1. In this regard, Applicants further note that claim 37 was rejected only over Kant (U.S. 5,656,494) in view of Horn (U.S. 5,635,394) and further in view of Pare (U.S. 5,389,248). *See* the outstanding Office Action. Consequently, all other rejections set forth in the outstanding Office Action are moot.

Regarding Kant in view of Horn and further in view of Pare, the Examiner contends that Kant "disclose heating means" by noting that the reference mentions that "parameters such as temperature ... may be controlled...". *See* paragraph 10 of the outstanding Office Action.

In this regard, Applicant notes that Kant mentions that it controls the temperature via a moisturizer 108. *See* column 7, line 65 through column 8, line 4. Applicant, however, kindly requests the Examiner to point out in more detail what is being regarded as the means in Kant that actually generates the heat itself. For instance, if heat in Kant is being generated by microcultures in the biofilters, evidently no generated heat enters the stacked biofilters at a position below the biofilters. Also, combining Kant with references disclosing means that generate heat through electricity or by burning would be entirely inappropriate. In this regard,

also note that Kant appears to be primarily interested in carrying heat away from the stacked biofilters rather than generating additional heat. *See* column 8, lines 1-4.

Furthermore, even if, *in arguendo*, Kant would disclose an, *e.g.*, electrical or burning heating means, Applicant respectfully submits that positioning the means such that heat enters below the stacked biofilters of Kant would not be an obvious design choice as the Examiner contends. For instance, feeding heat to the stacked biofilters of Kant at a position below the filters might require an “empty filter” to be positioned below the biofilters to create an entry stage for the heat. This appears to be less cost-efficient than having all heat enter from, *e.g.*, the side of one or more of the biofilters.

The secondary references Horn and Pare do not overcome the shortcomings of Kant. Note, for instance, that the stage for effluent basin 58 in Pare already provides for an entry stage of the heat and that, thus, contrary to Kant there does not appear to be a need for the specific addition of an otherwise non-functional stage.

For any and all of the above reasons, it is respectfully submitted that the present invention is patentable over the cited art.

CONCLUSION

Because all rejections and objections have been addressed and overcome, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If any questions remain, the Examiner is encouraged to call the undersigned attorney to expedite the prosecution of this application.

Respectfully submitted,
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